

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN AIRLINES, INC., ET AL.

Plaintiffs,

-against-

FEDERAL BUREAU OF INVESTIGATION,  
ET AL.

Defendants,  
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07 Civ. 7051 (AKH)

This Motion relates to  
21 MC 101 (AKH)

**AVIATION PARTIES' NOTICE  
OF MOTION FOR SUMMARY  
JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Local Rule 56.1 Statement of Material Facts on Motion for Summary Judgment, and Declaration of Desmond T. Barry, Jr. dated April 28, 2008, Plaintiffs American Airlines, Inc.; AMR Corporation; United Air Lines Inc.; UAL Corp.; US Airways, Inc., Delta Air Lines, Inc.; Continental Airlines, Inc.; AirTran Airways, Inc.; Colgan Air, Inc.; Argenbright Security, Inc.; Globe Aviation Services, Inc.; Huntleigh USA Corp.; Burns International Services Corp.; Burns International Security Services Corp.; Pinkerton's Inc.; ICTS International NV; The Boeing Company; the Massachusetts Port Authority; the Metropolitan Washington Airport Authority; and the Port Authority of New York and New Jersey (the "Aviation Parties"), will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, at a date and time to be set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York for an Order (1) granting summary judgment setting aside the Federal Bureau of Investigation's refusal to allow the depositions of

certain witnesses and (2) granting such other and further relief as may be just and proper.

Dated: New York, New York  
April 28, 2008

Respectfully submitted,  
CONDON & FORSYTH LLP

By: 

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*Liaison Counsel for Aviation Parties*

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**PROPOSED FORM OF ORDER**

WHEREAS this matter having come before the Court upon the Aviation Parties' Motion for Summary Judgment Setting Aside the Federal Bureau of Investigation's Refusal to Allow the Depositions of Certain Witnesses; and

WHEREAS this Court has read and considered the parties written submissions and oral arguments:

NOW THEREFORE IT IS ORDERED THAT, Summary Judgment is granted to Plaintiffs setting aside the Federal Bureau of Investigation's refusal to allow the depositions of the following witnesses to take place in *In Re September 11 Litigation*, 21 MC 101 (AKH): Harry

Samit; Coleen Rowley; Scott Billings; Erik Rigler; and Michael Rolince.

SO ORDERED.

Dated: New York, New York

\_\_\_\_\_, 2008

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ALVIN K. HELLERSTEIN  
United States District Judge